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# National security questions underlie case of ex-FBI agent, Soviet couple

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LOS ANGELES — In a case expected to raise important national security issues and air dirty FBI linen, the first of two trials arising from the arrest of an FBI agent on charges of passing secret documents to the Soviets opened here last week.

A jury was impaneled in US District Court to try a Soviet emigre couple, Svetlana and Nikolay Ogorodnikov, on charges that they conspired to spy for their native country with Richard W. Miller, a 20-year veteran of the FBI who was fired after his arrest last fall. The trial of Miller, who allegedly agreed to provide secret documents in return for \$65,000 in cash and gold, will follow the Ogorodnikovs'.

Miller contends he was not selling state secrets but merely trying to infiltrate a Soviet spy cell operated by Mrs. Ogorodnikov, whom he described to FBI officials as a KGB major, and her husband, a meatpacker said by Miller also to be a shadowy KGB paymaster.

Mrs. Ogorodnikov, 34, admits to most of the facts alleged by the government, but says she did what she did only because she was already an FBI informant — and was having an affair with Miller besides. Mr. Ogorodnikov asserts that he is an innocent swept up in the FBI dragnet because of his wife's doings.

The two trials are likely to paint a picture of furtive sex and betrayal while providing a look into the workings of the FBI's counterintelligence operations and raising serious questions about how a man with Miller's poor work record could be assigned to such a sensitive position.

## Secret document

Miller and Mrs. Ogorodnikov agree that they first met last May and began a sexual relationship that lasted until September.

During this period, the government alleges, Miller agreed to provide Mrs. Ogorodnikov with secret papers, on one occasion actually delivering a document entitled "Reporting Guidance: Foreign Intelligence Information."

"Discovery of this document would give the KGB a detailed picture of FBI and US intelligence activities, techniques and requirements," an FBI affidavit on file in court here says.

The affidavit says Miller believes Mrs. Ogorodnikov delivered this document to the Soviet consulate in San Francisco when the two visited the city in late August. Miller lent Mrs. Ogorodnikov his FBI credentials at the time so she could convince Soviet officials he was legitimate, the affidavit says.

Aleksandr Grishin, the Soviet vice consul in San Francisco, has been named an unindicted co-conspirator in the case.

Under questioning by the FBI, officials say, Miller admitted passing the document to Mrs. Ogorodnikov, but he has since denied that he passed any documents. Prosecutors have dropped charges against the Soviet couple of receiving classified documents. But the two are still accused of conspiring to receive classified documents, and Miller is still charged with providing them. If convicted, all three could be sentenced to life in prison.

Miller told FBI agents about his activities with the Ogorodnikovs on Sept. 27, but by that time, agents had been following him for weeks in an investigation code-named "Whipworm."

Miller, 48, married with eight children, was raised in the Los Angeles area. A Mormon, he was graduated from Brigham Young University in Utah, where he was recruited in the early-1960s for J. Edgar Hoover's FBI.

## "A different drummer"

But according to one of Miller's former supervisors in the bureau, "he never really fit the FBI mold. We used to call him 'the shadow' because we could never seem to find him. He marched to a different drummer."

Miller also had disciplinary problems. He was reprimanded in writing for poor job performance, admonished several times to lose weight, and once was censured for selling Amway products, a line of household goods, while on the job. After he was arrested, according to court records, he also admitted to investigators that he regularly misappropriated FBI funds, stole from his family and even pocketed candy bars from a store near the bureau's office here.

Such behavior — and the fact that Miller was supporting a large family as well as a home in Los Angeles and a weekend home in San Diego County, all on a sala-

ry of \$40,000 to \$50,000 — has led FBI officials to speculate that Miller's alleged espionage motivations were more financial than ideological.

Miller's lawyers portray him as a bumbling, dim-witted agent who was not spying but merely trying to

make up for bad job ratings by cracking what he thought was a Soviet spy ring.

An attorney for Miller, Joel Levine, also says that at least three other FBI agents have had "romantic affairs" with women who had links to Russian intelligence officials. This assertion was made in a motion to dismiss charges against Miller on the grounds that the other agents had not been prosecuted for similar transgressions.

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Another part of Miller's defense is that he was arrested because senior officials at the bureau's Los Angeles office were anxious to dispel allegations that there is a ruling Mormon clique biased in favor of other Mormons.

The head of the office, Richard Bretzing, and Bryce Christensen, who as head of the counterintelligence unit was Miller's superior, are both members of the Church of Jesus Christ of Latter-day Saints.

#### Religious pressure alleged

In a pretrial hearing, Miller testified that he had been coerced by Bretzing, who holds the title of bishop in the local Mormon church here, into making damaging admissions about his activities with the Ogorodnikovs. He said Bretzing counseled him on the need to make religious "repentance" for what he had done. Bretzing conceded he had made that statement but denied that it amounted to religious pressure. He said he was acting to protect national security. The FBI also notes that before making self-incriminating statements, Miller waived his right to remain silent eight times.

If Miller is an unlikely spy, the Ogorodnikovs are in the same category, according to their lawyers and associates in the Russian emigre community here.

Brad Brian and Gregory Stone, attorneys for Mrs. Ogorodnikov, have characterized her as an unintelligent, psychologically-unstable alcoholic who had been acting as an informant for the FBI since 1980. The lawyers are expected to argue that she was motivated by her relationship with Miller and her belief that she was helping the FBI.

The FBI confirms that Mrs. Ogorodnikov had been supplying information since 1980 but says it now believes she was acting as a double agent, simultaneously helping the Soviet Union.

As for Mr. Ogorodnikov, 52, far from being a KGB paymaster, he is simply a meat packer who knows nothing of the charges and was arrested only because he is Svetlana's husband, according to his attorney, Randy Sue Pollock.

#### Pro-Soviet stance

The Ogorodnikovs emigrated from the Soviet Union in 1973 and apparently stood out in Los Angeles' Russian community, the second largest in the country, because they often made pro-Soviet statements.

Rev. Stephen Fitzgerald, pastor of the Russian Orthodox Church of the Holy Virgin Mary in Hollywood, recalls that in 1981, he expelled the Ogorodnikovs' son from the church school because of what he regarded as Mrs. Ogorodnikov's pro-Soviet activity, such as persuading a parish family to return to Russia and facilitating the move through the consulate in San Francisco.

Still, Fitzgerald said he thought Svetlana was a far cry from a KGB agent. "She's more of a KGB groupie, perhaps. She was rather flamboyant, shabby, a heavy smoker, nervous and looked unstable. That's not the image that comes to mind when I think of a KGB agent."

Donald Levinson, a Los Angeles lawyer who represented the Ogorodnikovs in some of their lawsuits, agreed that the pair are unlikely spies.

"I know them as well as anyone," he said. "Nikolay certainly doesn't have the intelligence to be any kind of agent. Svetlana is brighter and understands our society, but they're both basically Russian peasant stock. I'd say they were culturally pro-Soviet, not politically. They believe the US and Russia should get together. They never espoused any philosophical dogma to me."

Still, for all the three defendants' protestations of innocent bumbling in the spy affair, US District Judge David V. Kenyon Jr., who is presiding over the case, has given little indication that he will accept a defense of ignorance in matters of national security. The judge has also warned that if he determines the disclosure of classified information to be essential to the defense of Miller and the Ogorodnikovs, the government will have to choose between making the disclosure and dropping the prosecution.